



Final Regulation Agency Background Document

Agency name	Department of Corrections
Virginia Administrative Code (VAC) citation	6 VAC15-80
Regulation title	Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities
Action title	Add new Section 6 VAC 15-80 211 and amend definitions to Value Management Analysis
Date this document prepared	July 15, 2009

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

The Board of Corrections amends its existing Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities to include a provision relative to the Value Management Assessment Study. The amendment will allow local and regional correctional facilities to receive cost reimbursement, to define limits for required Value Management Assessment Studies that serve to keep construction costs lower while promoting quality and efficient designs. The Value Management Assessment will analyze a project design including systems, products/materials used, quality, efficiency, functionality, long-term design, cost, and operational needs beyond 10 years.

Statement of final agency action

On July 15, 2009 the Virginia Board of Corrections certified 6 VAC 15-80-10 and 6 VAC 15-80-211 Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities which were adopted by Board vote on July 16, 2008.

Legal basis

The Board of Corrections has the legal authority to amend 6 VAC 15-80 under Code of Virginia §§2.2-4007 through 2.2-4017, and Executive Order 36 (2006). Code of Virginia §§53.1-80 through 53.1-82.3 allows up to 25% reimbursement of capital costs for regional jails. The Board of Corrections is mandating a Value

Management Assessment of each project in order to reduce the costs of the projects. The Value Management Assessment is a part of the required capital construction costs.

Purpose

The amendment will allow for local correctional facilities to receive Value Management Assessment cost reimbursement, which is currently not provided for in 6 VAC 15-80 et seq. (1994).

Substance

There is an increasing dissatisfaction on the part of local governments about being required to expend funds on local and regional jail construction projects that the Commonwealth, to date, has not participated in financially. The amendment will allow local and regional correctional facilities to receive cost reimbursement, to define limits for required Value Management Assessment Studies that serve to keep construction costs lower while promoting quality, and efficient designs. Value Management Assessment will analyze a construction project's design including systems, products/materials used, quality, efficiency, functionality, long-term design, cost and operational needs beyond 10 years.

Issues

Value Management Assessment benefits the Commonwealth as well as localities in cost savings on these projects. The Board of corrections has already had two formal requests for reimbursement from attorneys representing localities. Until the amendment to this regulation is in effect, the state cannot release the funds (which have already been mandated) to reimburse the localities.

Changes made since the proposed stage

None

Public comment

No public comments have been received.

All changes made in this regulatory action

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
6VAC15-80-10	same	Definitions	Change Definition of "Reviewing Authority" to the representative(s) of the Department of Corrections and/or the Department of Criminal Justice Services responsible for reviewing required documents, attending required meetings, interpreting and determining

		<p>compliance with 6 VAC 15-80.</p> <p>Add Definition: "Standards" means the "Board of Corrections' Minimum Standards for Planning, Design Construction and Reimbursement of Local Correctional Facilities".</p> <p>Add Definition " Value Management Analysis (VMA)" means an analysis of facility design and construction for the purpose of satisfying required function, cost efficiency, while providing the greatest quality and efficiency for the project.</p> <p>Add Definition "Value Management Team' means a team of people, independent from the owner and/or the owner's A/E, headed by a Certified Value Specialist (CVS) or Certified Value Engineer (CVE) with a combination of the following disciplines based on phase and nature of the project: architecture, engineering (civil/site/mechanical/electrical) security and cost estimating.</p>
None	6VAC15-80-211	<p>Add new section entitled Value Management Aalysis.</p> <p>A. All jail projects for which reimbursement is being requested for new construction, expansion or renovation shall have a Value Management Analysis (VMA) performed during design. For renovation projects, a waiver may be requested from the Board.</p> <p>B. VMA shall be performed a the conclusion of the Design Development (35-40% complete) phases of the project. For large projects (in excess of 250 beds), it is recommended that a second phase of VMA be performed at the construction documents phase (90-95% complete).</p> <p>C. The VMA shall involve a three to four day exercise at the Design Development phase, or four to five days each at the design development and construction document phases. The first day, or portion thereof, of each Analysis consists of a presentation overview by the owner and the A/E design team to the Value Management Team. The final day or portion thereof, consists of a presentation of findings and recommendations by the Value Management Team to the owner and A/E design team and attended by the Reviewing Authority.</p>

			<p>D. The VMA process shall analyze at a minimum the following aspects of the project's design: systems, products/materials, quality, efficiency, functionality, long-term design and operational needs (beyond 10 years) and cost.</p> <p>E. The Owner shall engage the services of a qualified Value Management Team, as defined in the definitions and headed by a Certified Value Specialist (or Engineer) pursuant to the definitions. The VMA team shall be independent of the A/E design team. Cost estimators are also recommended as beneficial to the Analysis, particularly for projects performing VMA at the Construction Documents phase.</p> <p>F. The Owner shall advise the Reviewing Authority in writing, at least 15 working days in advance of the meeting dates for the VMA. A representative of the Reviewing Authority shall meet with the Value Management Team at the formal presentation of results to the owner and A/E design team.</p> <p>G. Upon completion of the VMA process, a summary report detailing VMA recommendations and the Owner's decision on implementation of the recommendations shall be provided in writing to the Reviewing Authority.</p>
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Regulatory flexibility analysis

Not to provide a Value Management Assessment for each project could result in increased costs to the Commonwealth for local or regional jail projects, as well as lesser quality facilities and less efficient design

Family impact

There is no family impact.